

# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

## Official Minutes February 7, 2006

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
JEFFERSON CITY, MISSOURI, ON TUESDAY, FEBRUARY 7, 2006**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Tuesday, February 7, 2006, in Jefferson City, Missouri, was called to order at 1:15 p.m. by Marjorie B. Schramm, Chairman. The following Commissioners were present: Bill McKenna, Vice Chairman, James B. Anderson, Duane S. Michie, Mike Kehoe, and David A. Gach.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation, Rich Tiemeyer, Chief Counsel for the Commission, and Mari Ann Winters, Secretary to the Commission, were present on Tuesday, February 7, 2006.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

## **CLOSED MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Immediately prior to closing its meeting, and upon motion duly made and seconded to convene in closed session, the Chairman asked for a voice vote of the members. The vote was as follows:

Commissioner Schramm, Aye  
Commissioner McKenna, Aye  
Commissioner Michie, Aye  
Commissioner Anderson, Aye  
Commissioner Kehoe, Aye  
Commissioner Gach, Aye

whereupon the Commission closed its meeting.

\* \* \* \* \*

## **STATE OF TRANSPORTATION ADDRESS, JOINT SESSION OF THE GENERAL ASSEMBLY**

Following adjournment of its Closed Meeting and prior to convening its Open Meeting, the Commission attended the Joint Session of the General Assembly to hear Director Pete Rahn deliver the State of Transportation Address.

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**APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS  
AND TRANSPORTATION COMMISSION MEETING HELD IN  
JEFFERSON CITY, MISSOURI, ON TUESDAY AND WEDNSDAY, JANUARY 10-11,  
2006**

Upon motion duly made and seconded, the Commission unanimously approved the minutes of its January 10-11, 2006 meeting. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

**Consent Agenda Process**

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

## **Consideration of February 7, 2006, Consent Agenda**

No items were removed from the February 7, 2006, consent agenda. Upon motion by Commissioner McKenna, seconded by Commissioner Michie, all items on the consent agenda were unanimously approved.

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## **REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees.

**Missouri Transportation Finance Corporation** – Commissioner Michie reported that the Missouri Transportation Finance Corporation had met on February 6, 2006, and approved (1) a direct loan to the City of Poplar Bluff and the Highway 67 Transportation Corporation in an amount not to exceed \$6.6 million, pending restoration of the Highway 67 Transportation Corporation, and (2) a direct loan to the Missouri Highways and Transportation Commission in an amount not to exceed \$1.3 million. The loan to the Commission will finance safety improvements at approximately 47 railroad crossings. Union Pacific railroad will be funding the remainder of the estimated \$2.95 million project cost. The Board of Directors agreed to pursue an aggressive marketing effort to advise local areas of the availability of funds through the corporation for transportation projects.

**Legislative Committee** – Commissioner McKenna commended Director Pete Rahn on his State of Transportation address to the Joint Session of the General Assembly earlier in the day.

**MoDOT and Patrol Employees' Retirement System Board of Trustees** – Commissioner Anderson reported that the Board of Trustees for the MoDOT and Patrol Employees' Retirement System voted to increase the contribution to the retirement system 0.5 percent above that proposed by the actuary for Fiscal Year 2007 in order to improve the system's funded status. The contribution rates for Fiscal Year 2007 will be 31.10 percent for MoDOT employees and civilian patrol and 44.28 percent for uniformed patrol. The Board of Trustees elected State Highway Patrol Superintendent Roger Stottlemeyer as its chairman and Commissioner Duane Michie as its vice chairman. The final report of the State Retirement Consolidation Commission has been extended to March 1, 2006. The final meeting of this Commission has not been scheduled.

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## **DIRECTOR'S REPORT**

**Smoother Roads Initiative Program Accelerated** – Director Rahn reported that the staff is concentrating its focus on the three-year Smooth Roads Initiative Program and will be striving to complete the program in two years (by December 31, 2006).

**Revenue Projections** – Director Rahn reported that highway user revenue for Fiscal Year 2006 to date is 2.93 percent, or \$16.9 million, less than projected. Motor vehicle sales and use taxes are experiencing the largest decrease at 16.4 percent, or \$19.5 million, less than anticipated.

**Participation of Economically Disadvantaged in I-64/40 Project** – Director Rahn reported that Julie Cunningham, Executive Director of the National Conference on Minority Transportation Officials, has scheduled initial meetings on February 20 and 21, 2006, with MoDOT staff, organizations supporting employment of the economically disadvantaged on the Route I-64/40 project, union representatives, and the two design/build teams. The desired outcome of these initial meetings and future meetings is a process to maximize employment of the economically disadvantaged on the Route I-64/40 reconstruction project.

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## **UNSCHEDULED PUBLIC COMMENTS, DELEGATION FROM LIBERTY, FUNDING ALLOCATION FOR EARMARKED PROJECTS**

*In response to a request from the delegation, the Commission agreed to hear the following unscheduled public comments prior to acting on staff recommendations pertaining to the funding allocation process.*

Mr. Scott Traveau, Superintendent of Schools for the Liberty School District, was the spokesman for a delegation that included the Liberty mayor, Liberty city council members, school board members, teachers, students, school administrators, PTA members, and concerned citizens. Mr. Traveau noted that the Commission would be considering MoDOT staff recommendations for modifications to its funding allocation method later in the meeting, and, on behalf of the delegation, he asked the Commission to allow all Congressionally earmarked funds to flow directly to those projects without being subjected to the Commission's funding allocation process. He further asked the Commission to waive the local planning organization process for determining project need and priority for projects with Congressional earmarks. The project of



specific interest to the delegation is locally known as the Flintlock Flyover project, which proposes to connect a local road (Flintlock Road) by raised pavement over Interstate Route 35.

Mr. Traveau said the Flintlock Flyover project was unique because the Liberty Public Schools, the City of Liberty, and the City of Kansas City had been partners in developing the project. He felt the unique partnership was a primary incentive for Congressman Sam Graves, Senator Kit Bond, and Senator Jim Talent to earmark funds for the project. He noted that MoDOT had championed the project and encouraged the local area to pursue federal funding therefor.

Mr. Traveau reported that federal funds in the amount of \$1 million had previously been earmarked for project engineering. He alleged that MoDOT had taken approximately \$135,000 of that amount, without explanation, which necessitated contributions for the shortfall from the Liberty School District, the City of Liberty, and the City of Kansas City, in order to move the project forward.

Mr. Traveau stated that the Flintlock Flyover project was critical to the safety of Liberty Public Schools' students. As such, he said it was a priority for the City of Liberty and the Kansas City Northland region and should be a priority for MoDOT. Mr. Traveau reported that Congressman Graves, in working with community leaders and residents, had recognized the need for the project and earmarked federal funds for its advancement. He stated that MoDOT had previously taken all Congressionally earmarked funds "off the top" prior to allocating funds through its funding allocation process, and he urged the Commission to reject any change to that practice.

Director Rahn referenced Mr. Traveau's statement that MoDOT had withheld approximately \$135,000 of Congressionally earmarked funds for engineering on the Flintlock

Flyover project. He explained that the shortfall most likely occurred as a result of the normal federal appropriations process which involves three steps: Congress *authorizes* a large transportation program, (2) Congress annually *appropriates* a specific amount of funding to the states, and (3) Congress sets *obligation limits* that are less than the *appropriated* amounts. By way of example, he stated that for the current year the states have a 13 percent *obligation limit*, which means MoDOT will receive only \$87 dollar for every \$100 that was *appropriated*. He assured the delegation that MoDOT did not withhold any of the funds designated for engineering on the Flintlock Flyover project.

Director Rahn stated unequivocally that Congressionally earmarked funds must either be used for the designated project or not be used at all. They cannot be transferred to any other project or used for any other purpose. However, he explained that in order to spend these funds, MoDOT must comply with several other Congressionally mandated processes, as follows:

**Statewide Transportation Improvement Program** – Federal law requires states to estimate revenues, both federal and state, in order to develop a fiscally constrained plan to expend those funds. Mr. Rahn explained that in order to comply with this law, MoDOT estimates the revenues it will receive, including anticipated annual growth; identifies the projects on which those funds will be spent; and compiles that information into a rolling Five-Year Statewide Transportation Improvement Program (STIP). As a result, a large part of the federal dollars that will be coming to Missouri as a result of the current federal transportation act (SAFETEA-LU) were included in the staff estimates and committed to projects in the STIP.

**Collaborative Planning Process** – Federal law requires states to have a collaborative planning process wherein they must work with their planning partners (regional planning commissions, metropolitan planning organizations, and transportation management areas), but does not specify how the planning process will function. Mr. Rahn reported that in complying with this law, the Commission had established a very high level of expectation for collaboration by demanding that MoDOT work with its local planning partners to determine not only transportation needs and priorities, but also recommendations for allocating transportation dollars.

**Transportation Management Areas** – Federal law establishes Transportation Management Areas (TMAs) whose boundaries are set by metropolitan areas with populations of 200,000 or more and provided for the TMAs to have exceptional authority and input into the expenditure of federal funds within their areas. There are three TMAs in Missouri: Kansas City, St. Louis, and Springfield. The Mid-America Regional Council (MARC) is the TMA organization for Kansas

City. MARC works collaboratively with MoDOT on projects on the state transportation system and with the local area on transportation that are not on the state transportation system.

Mr. Rahn stated that MoDOT must comply with the above laws and the Commission's collaborative planning policies, adopted as a result thereof, in addition to complying with the intent of Congress regarding earmarked funds.

Mr. Rahn explained that MoDOT's fiscally constrained construction program would see approximately \$61 million annually of new, unanticipated revenue for the next five years; therefore, decisions will be made through the collaborative process, regarding which projects not currently in the STIP will move forward and which must be delayed. Within formula earmarks that came to Missouri with the most recent transportation bill averaged in excess of \$72 million per year for projects on the State Highway System as well as projects that were not on the State Highway System.

Mr. Rahn stated that the Commission and MoDOT staff believe that the local region has valuable insight into how to invest transportation dollars. He emphasized that the Flintlock Flyover Overpass is local road improvement and not on the State Highway System; therefore, decisions regarding its priority in relation to other Kansas City area transportation needs rests with the Mid-American Regional Council. He noted that the City of Liberty would be responsible for managing the environmental process and providing funds to match the federal funds and, therefore, would be critical to the decision-making process regarding this project. He clarified that since the project is not on the State Highway System, it would not compete against other state projects for priority.

Mr. Rahn advised the delegation that the recommendation the staff has made to the Commission regarding allocation of funds would allow MARC and the other the TMAs greater freedom and flexibility to address Congressional earmarks. It will allow the TMA to use any

federal dollars that are eligible for the project, instead of limiting the TMA to suballocated funds for local road improvements like the Flintlock Flyover project. Mr. Rahn acknowledged that the proposed update to the funding allocation policy would not dictate the use of earmarked dollars; however, he said it would be unusual for earmarked funds to be unspent.

Mr. Rahn said that increasing number of earmarks impacts MoDOT's ability to deal with them in an abbreviated manner. He reported that in 1987, Congress included 152 earmarks in the transportation bill; in 1991, there were 538 earmarks; in 1998, there were 1850 earmarks; and in 2005, there were 5,668 earmarks. He said the number of earmarks and their dollar value mandates that MoDOT work with its planning partners on project prioritization.

Commissioner Michie advised the delegation that the Commission and MoDOT staff have moved toward a more objective process to identify transportation needs and prioritize projects. He stated that using transportation planning partners as a part of the process has proven to be very successful. He acknowledged that the process requires additional time, but it is fair, open, well-accepted by the local areas, and a benefit to MoDOT.

Commissioner McKenna told the delegation of the Commission's desire to revise the transportation project decision-making process in a manner that would include input from people from around the state, including members of the Legislature. As a result, he reported that MoDOT had won a national award for its inclusive planning and project prioritization process.

Commissioner McKenna said the Commission further moved away from a funding allocation criteria that appeared to give half of the funds to the rural area and half to the urban area to an approach that was based on more objective criteria, such a number of lane miles, square footage of bridges, population, employment, and vehicle miles of travel. This type of criteria allows the regional planning groups to plan transportation improvement with a realistic

expectation of funding for their areas.

Commissioner McKenna noted that the outcome of the new decision-making process culminates in a proposed five-year STIP that is presented to the Commission for approval. Once approved, he said, the Commission is committed to the projects identified therein. It is necessary for the Commission to assume a certain amount of federal dollars when it approves the STIP.

Commissioner McKenna explained that some earmarks are “above-the-line” (discretionary projects) meaning they are additional dollars coming to the state because of the earmark. Others, such as the one for the Flintlock Flyover Overpass, are “below-the-line” meaning that they are funds that would have come to Missouri for transportation projects without being earmarked. Below-the-line funds are those which the MoDOT staff estimates in preparation of the STIP and, therefore, have been committed to specific projects. Since the regional planning organizations were involved in the decision-making and project prioritization process, Commissioner McKenna felt they should also be included in the decision regarding which projects would need to be delayed in order to proceed with an earmarked project.

Commissioner McKenna said that funds are generally earmarked for needed highway improvements; therefore, diligent efforts are made by the MoDOT staff and regional planning areas to use the funds. However, he emphasized that the regional planning organizations must be involved in this decision-making process, particularly as it pertains to local transportation projects.

Commissioner McKenna noted that funds had been earmarked for projects in both Kansas City and St. Louis that are not on the STIP. He stated that the regional planning organizations involved in the initial decision-making process need to be involved in subsequent revisions. Commissioner McKenna encouraged the delegation to work with the Mid-America

Regional Council on determining the priority of the Flintlock Flyover Overpass in relation to other local area transportation needs.

Chairman Schramm assured the delegation that the earmarked funds could not be used on anything other than the Flintlock Flyover Overpass, and she invited the delegation to remain at the meeting to hear the MoDOT staff presentation of the proposed funding allocation process.

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## **FUNDING ALLOCATION POLICY**

On behalf of the Director, Machelles Watkins, Transportation Planning Director, advised the Commission that MoDOT staff had worked with the representatives of the regional planning commissions and metropolitan planning organizations in its consideration of updates to the function allocation process. As a result of those discussions, Ms. Watkins recommended the following:

### **Of the total funds available, including federally earmarked funds:**

Step 1: Deduct federally sub-allocated funds designated for specific purposes, including the following:

- Off-System Bridge Replacement and Rehabilitation Program (BRO) - Maintain replacement and rehabilitation funding for bridges not on the state road system at the 15 percent level through 2009.
- On-System Bridge Replacement and Rehabilitation Program (BRM) – Small Cities - Maintain replacement and rehabilitation funding at \$500,000 per year for the state roads' competitive bridge program for small cities with a population of 5,000 to 200,000 through 2009.
- On-System Bridge Replacement and Rehabilitation Program (BRM) – Large Cities – Maintain replacement and rehabilitation funding at \$6.3 million per year for the large urban bridge program serving the Kansas City, St. Louis, and Springfield regions through 2009.
- Small Urban Surface Transportation Program (STP-U) – Small Cities – Maintain funding at \$3.5 million per year for the small city road or bridge program for cities with a population of 5,000 to 200,000.

- Large Urban Surface Transportation Program (STP-U) – Large Cities – Maintain funding at approximately \$46 million per year for Kansas City, St. Louis, and Springfield, as mandated in the federal transportation act (SAFETEA-LU) through 2009.
- Congestion Mitigation and Air Quality (CMAQ) Program - Distribute Missouri's estimated minimum guarantee of CMAQ funds to St. Louis and Kansas City based upon population. Distribute remaining CMAQ funds to the area(s) not meeting federal air quality requirements. This distribution will use the same demographics included in apportioning the federal CMAQ funds to Missouri.
- Enhancement Program – Maintain funding at \$17 million per year as approved by the Commission in January 2005.

Step 2: Deduct funding for other transportation modes (aviation, railways, transit, and waterways) appropriated by the state legislature for the designated purposes. This funding cannot be used for roads and bridges.

Step 3: Deduct the financing cost for projects accelerated through bond financing, including debt service relative to Amendment 3.

Step 4: Deduct federal discretionary (above-formula) earmarks for distribution to the related earmarked projects. This distribution will be *in addition to* the district-distributed funds.

Step 5: Deduct \$30 million for economic development and cost-share projects statewide.

**Of the remaining funds available for road and bridge improvements:**

Step 1: Deduct Amendment 3 Funds for use on Element 3 of MoDOT's Smoother, Safer, Sooner Program.

Step 2: Allocate \$460 million to Taking Care of the System, divided as follows:

\$125 million for Interstates/Major Bridges

\$ 25 million for Safety Projects

Distribution based on three-year average accident rate.

\$310 million for remaining Taking Care of System (A \$30 million increase over the previous funding allocation formula.)

Distribution based on a formula that averages:

- Percent of total Vehicles Miles Traveled (VMT) on the National Highway System and remaining arterials.
- Percent of square feet of state bridge deck on the total state system.
- Percent of total lane miles of National Highway System and remaining arterials.

Step 3: Allocate \$131 million to Flexible Funds that can be used for either Taking Care of the System or Major Projects and Emerging Needs. (A \$31 million increase over the previous funding allocation formula.)

Distribution based on the average of:

- Percent of total population.
- Percent of total employment.
- Percent of total VMT on the National Highway System and remaining arterials.

Step 4: Allocate remaining funds to Major Projects and Emerging Needs. Project priorities will be determined by cooperative efforts of MoDOT, regional planning commissions, metropolitan planning organizations, and others as outlined in the Framework for Transportation Planning and Decision-Making. These funds are distributed to the three Transportation Management Areas and the rural area based on formula that averages:

Distribution based on formula that averages:

- Percent of total population.
- Percent of total employment.
- Percent of total VMT on the National Highway System and remaining arterials.

Half of the rural area funding is distributed to the districts based on the above factors. The other half of the rural funding will be used for statewide rural projects.

Ms. Watkins noted that the current federal transportation act (SAFETEA-LU) earmarked projects both from funds that come to Missouri within the normal formula process (below-the-line) and funds that come to Missouri solely as a result of the earmark (above-the line). In order to allow greater flexibility for local regions to be able to take advantage of the earmarked funds, she recommended that, to the extent allowed by federal and/or state law, all district-distributed federal right of way and construction funds be made available for use on both state and local high-priority SAFETEA-LU projects, up to the earmarked amount. (Currently, the regions are limited to use of federally sub-allocated funds for projects not on the state highway system.)

Ms. Watkins discussed the anticipated dollar impact of her recommendations over the next five-year period. She stated that in making the projections the staff had updated all the funding distribution factor data except population, which continues to be based on the 2000 census. She further noted that the staff has revised the project growth/inflation factor from



2 percent to 3 percent to reflect higher material and construction costs experienced during the past year.

The Commission reviewed and discussed the allocation factors. They acknowledged that correspondence had been received from the East-West Gateway Council of Governments and the Mid-America Regional Council objecting to the staff recommendation for allocation of Congestion Mitigation Air Quality Funds. They further acknowledged the desire of East-West Gateway Council of Governments, Mid-America Regional Council, and others for **all** federally earmarked funds, both above-the-line (additional funds coming to Missouri) and below-the-line (funds that come to Missouri through the normal formula process) to be subtracted from the total funds prior to proceeding through the allocation process.

The Commission restated its commitment to the Planning Framework process, which involves regional transportation planners in project selection and prioritization decision-making. The members recognized the increase in number and dollars for below-the-line earmarked projects and, therefore, the potential for a project that had been added to the Statewide Transportation Improvement Program through the cooperative Planning Framework process to be delayed in order to advance a below-the-line earmarked project. The Commission felt that such decisions regarding reprioritization of projects should take place in cooperation with the regional transportation planners.

Upon motion by Commissioner Michie, seconded by Commissioner McKenna, the Commission unanimously approved all staff recommendations for funding allocation noted above.

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## **ANNEXATION POLICY RESCINDED**

On behalf of the Director, Terry Sampson, Right of Way Director, reminded the Commission that the most current Commission policy regarding voluntary and involuntary annexations was adopted by the Commission on February 13, 1997. He noted that the policy outlined a process for annexation requests and delegated authority to MoDOT staff to approve or deny requests for voluntary annexation in those cases where (1) the request documents contained no evidence of significant controversy and (2) the annexation would not be detrimental to the transportation system or the Commission. It further authorized the Chief Counsel to determine the appropriate legal action to be taken in response to petitions for involuntary annexations. In order to expedite changes to policies and procedures regarding annexation, Mr. Sampson recommended that the Commission authorize the Director, Chief Engineer, or Chief Financial Officer to approve future annexation policies and procedures.

Via approval of the consent agenda, the Commission, by unanimous vote of all members present, approved the recommendation, thereby, effective this date (February 7, 2006), rendering all prior actions taken by the Commission pertaining to annexation null and void.

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## **PERFORMANCE PLUS PROGRAM**

On behalf of the Director, Mara Campbell, Director of Organizational Results, explained that the Performance Plus Program rewards employees for achieving specific results. This pilot program will be the first of its kind in Missouri state government.

Ms. Campbell explained that the pilot program would be hinged around the Tracker performance measure of percentage of change for finalized road and bridge construction

contracts. It is based on a three-level approach (project office, district, and organization) and can provide as much as \$2,000 per year in cash incentives for approximately 550 eligible MoDOT project office employees. Funding for payments to the employees will be realized from savings in construction costs. If the pilot program meets the objectives and outcomes, the program will be offered to all MoDOT employees who can define ways to cut costs while achieving MoDOT's tangible results.

The Commission expressed interest in, and support of, the Performance Plus Program.

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## **CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS**

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented a tabulation of the bids received on January 27, 2006, and recommended (1) awards be made to the lowest responsive and responsible bidder noted in Table I below, (2) bids be rejected as noted in Table II below, and (3) that the bid of Millgoal Enterprises II, LLC, be declared non-responsive due to bidding errors.

### **Award of Contracts January 27, 2006 Bid Opening**

**Table I**

<b>Route County Project Call 101</b>	<b><u>Bid Amount</u></b>	<b><u>Non- Contractual Costs</u></b>	<b><u>Contractor</u></b>
136 Harrison J1P0826	\$3,447,401.88	\$1,312.00	Columbia Curb & Gutter Co. Columbia, MO
<b>Call 104</b>			
29 Buchanan/Platte J1I0925	4,336,276.18	1,312.00	The St. Joseph Fuel Oil & Manufacturing Co. St. Joseph, MO

<b>Call 105</b> 29 Platte/Clay J1I0925A	6,162,100.23	1,312.00	Leavenworth Excavating & Equip. Co., Inc. Leavenworth, KS
<b>Call 106</b> 35 Clinton J1D0690L	2,632,838.24	656.00	Chester Bross Const. Co./ C. B. Equipment, Inc. Hannibal, MO
<b>Call 107</b> 35 Clinton J1D0690K	2,697,108.30	800.00	Norris Asphalt Paving Co. Ottumwa, IA
<b>Call 108</b> 29 Buchanan J1D0690I	2,207,118.39	1,312.00	Herzog Contracting Corp. St. Joseph, MO
<b>Call 109</b> 29 Andrew/Buchanan J1D0690J	1,600,686.06	1,312.00	Herzog Contracting Corp. St. Joseph, MO
<b>Call 201</b> 70 Saline J1D0690H	2,393,463.08		Gaines Construction, Inc. Wentzville, MO
<b>Call 301</b> B Warren J3L0600E	427,889.06		Pace Construction Company St. Louis, Mo
<b>Call 302</b> 47 Lincoln J3P0729	467,169.88	278.00	Mid-River Asphalt, Inc. Moscow Mills, MO

**Call 401**

635 14,916,294.31

Platte

J4I1709

635

Platte

J4I1717

635

Platte

J4D0600E

(Includes funding from City of Riverside in the amount of \$7.2 million. City of Riverside concurred in the bid.)

26,997.37

Radmacher Brothers Excavating  
Company, Inc.  
Pleasant Hill, MO

**Call 403**

58 Spur

413,882.00

Johnson

J4P1743

58

Johnson

J4S1645

Kat Excavation, Inc.  
Odessa, MO

**Call 404**

70

122,785.00

Jackson

J4M0156

Accent Landscape, Inc.  
Olathe, KS

**Call 405**

50

21,346.30

Jackson

J4M0157

Joy's Companies, Inc.  
Belton, MO

**Call 406**

70

75,303.00

Lafayette

J4M0158

Accent Landscape, Inc.  
Olathe, KS

**Call 407**

7

20,502.68

Cass/Henry

J4M0159

Joy's Companies, Inc.  
Belton, MO

**Call 408**

169

33,228.00

Clay

J4M0160

Accent Landscape, Inc.  
Olathe, KS

<b>Call 409</b> 71 Cass/Jackson J4M0161	35,296.40	Joy's Companies, Inc. Belton, MO
<b>Call 410</b> 635 Platte J4M0162	12,049.80	Millgoal Enterprises II LLC Platte City, MO
<b>Call 411</b> 152 Clay/Platte J4M0163	8,100.00	S & S Lawn, Inc. Grain Valley, MO
<b>Call 412</b> 24 Jackson/Lafayette J4M0164	24,824.00	S.P.S.W. (Single Parents, Strong Will) Richmond, MO
<b>Call 413</b> 435 Clay/Jackson J4M0165	116,250.00	Accent Landscape, Inc. Olathe, KS
<b>Call 414</b> 50 Johnson/Jackson J4M0166	66,600.00	Kustom Kutters Cleveland, MO
<b>Call 415</b> 10 Ray J4M0167	13,888.00	S.P.S.W. (Single Parents Strong Will) Richmond, MO
<b>Call 416</b> 13 Ray J4M0168	13,272.00	S.P.S.W. (Single Parents Strong Will) Richmond, MO
<b>Call 417</b> 35 Clay J4M0169	39,870.00	Locke Enterprises, Inc. Hannibal, MO

<b>Call 418</b> 29 Platte J4M0170	27,834.00		Locke Enterprises, Inc. Hannibal, MO.
<b>Call 501</b> 5 Camden J5P0851	362,323.42	656.00	Progressive Contractors, Incorporated St. Michael, MN
<b>Call 502</b> 70 Boone J1D0695I	1,253,351.20	656.00	Chester Bross Const. Co./ C.B. Equipment, Inc. Hannibal, MO
<b>Call 601</b> Various St. Louis/Jefferson J6I1895	195,162.00		Richard Ridgeway Cahokia, IL
<b>Call 602</b> 70 St. Louis J6I1612 270 St. Louis J6I1614 270 St. Louis J6I1615	4,244,011.86	656.00	Millstone Bangert, Inc. St. Charles, MO
<b>Call 603</b> 44 St. Louis J6D0600W	4,684,288.10	1,312.00	Fred Weber, Inc. Maryland Heights, MO
<b>Call 604</b> HH St. Louis J6U0808	13,195,852.20	60,488.64	L. Krupp Construction, Inc. Ellisville, MO
<b>Call 605</b> 79 St. Charles J6P1532	5,228,216.74	849.80	Magruder Construction Co., Inc. Eolia, MO

<b>Call 606</b> D St. Louis J6S1472	2,199,320.51	656.00	Fred Weber, Inc. Maryland Heights, MO
<b>Call 607</b> 270 St. Louis J6M0103	98,098.00		Munie Outdoor Services, Inc. Caseyville, IL
<b>Call 608</b> 70 St. Charles J6M0101	66,216.22		Millgoal Enterprises II LLC Platte City, MO
<b>Call 609</b> 70 St. Charles J6M0102	61,638.88		Millgoal Enterprises II LLC Platte City, MO
<b>Call 610</b> 141 St. Louis J6M0104	48,400.00		Munie Outdoor Services, Inc. Caseyville, MO
<b>Call 611</b> 64 and 170 St. Louis J6M0105	49,600.00		Munie Outdoor Services, Inc. Caseyville, MO
<b>Call 612</b> 270 St. Louis J6M0106	42,625.00		Munie Outdoor Services, Inc. Caseyville, MO
<b>Call 613</b> 70 St. Louis J6M0107	45,474.00		Millgoal Enterprises II LLC Platte City, MO
<b>Call 614</b> 70 St. Louis J6M0108	19,500.00		Dudley's Lawn Service St. Louis, MO



<b>Call 615</b>			
40	16,480,523.70	963.80	Fred Weber, Inc.
St. Charles			Maryland Heights, MO
J6P0672			
<b>Call 616</b>			
44	1,422,784.34	1,312.00	N. B. West Contracting
St. Louis/St. Louis City			Company
J1D0690W			Brentwood, MO
<b>Call 617</b>			
270	3,060,299.06	1,312.00	N. B. West Contracting
St. Louis/St. Louis City			Company
J1D0690X			Brentwood, MO
<b>Call 618</b>			
70	2,988,548.98	1,312.00	N. B. West Contracting
St. Louis/St. Louis City			Company
J1D0690Y			Brentwood, MO
<b>Call 701</b>			
44	4,420,299.74	1,312.00	APAC-Missouri, Inc.
Newton			Columbia, MO
J1D0695F			
44			
Jasper/Lawrence			
J1D0695G			
<b>Call 901</b>			
60	1,130,112.70	656.00	Gaines Construction, Inc.
Carter/Shannon			Wentzville, MO
J9P0564			
<b>Call 902</b>			
63	1,262,166.72	656.00	Gaines Construction, Inc
Texas			Wentzville, MO
J9P0521			
<b>Call 903</b>			
63	1,364,968.33	144.00	APAC-Missouri, Inc.
Texas			Columbia, MO
J9P0522			
<b>Call 904</b>			
106	461,214.52		Gaines Construction, Inc.
Shannon			Wentzville, MO
J9L0600D			

<b>Call 905</b>			
44	2,098,135.79	656.00	Gaines Construction, Inc.
Phelps			Wentzville, MO
J1D0690T			
44			
Phelps			
J1D0690U			
<b>Call X02</b>			
72	5,065,347.15	656.00	Robertson Contractors, Inc.
Madison			Poplar Bluff, MO
J0P0906			
<b>Call X04</b>			
67	3,572,159.80		Robertson Contractors, Inc.
Butler			Poplar Bluff, MO
J0P0918A			
Total	<u>\$117,454,015.75</u>	<u>\$109,545.61</u>	

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

#### **Rejection of Bids January 27, 2006 Bid Opening**

**Table II**

<b>Route</b>	<b>County</b>	<b>Project</b>
<b>Call 102</b>		
D	Nodaway	J1S0828
<b>Call 419</b>		
Various	Various	J1D0693A

#### **Commission Action**

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission took the following action.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on January 27, 2006, as recommended and noted in Table I above. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.

2. Rejected the bids received on January 27, 2006, listed in Table II above because they were considered to be excessive.
3. Declared the bid of Millgoal Enterprises II, LLC, on Call No. 413 to be non-responsive due to bidding errors.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above. (Bids were also received on January 27, 2006, on Call Nos. 103 and 420. The Commission awarded contracts on those projects by fax ballot on January 31, 2006.)

\* \* \* \* \*

## **RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the Chief Engineer's approval of the following right of way plans, which have been filed for condemnation.

<b><u>County</u></b>	<b><u>Route</u></b>	<b><u>Job Number</u></b>	<b><u>Date Commission Approved Design</u></b>
St. Charles	364	J6U1028B	November 2, 1990 (4 <sup>th</sup> Amended)
St. Charles	364	J6U1028E	November 2, 1990
Polk	13	J8P0592	October 19, 1999
Daviess	6	J1P0760	January 4, 2002

In accordance with Section 227.050 RSMo, the Commission, via approval of the Consent Agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

\* \* \* \* \*

## **ROADWAY LOCATION AND/OR DESIGN**

On behalf of the Director, District Engineers informed the Commission that preliminary plans and exhibits for the following projects were advertised for and/or presented at a public hearing.

**Route 5, Chariton County**  
**0.1 Mile North of Route WW to 1.0 Mile South of Route WW**  
**Job No. J2P0723**  
**No Public Hearing Held**

This proposed improvement provides a new two-lane roadway and bridge over Shannon Creek adjacent to the existing roadway. New construction will consist of two 12-foot lanes with 4-foot shoulders. This project will have normal access right of way. Traffic will be maintained over the existing roadway during construction. The project is 1.1 miles in length. An opportunity for a public hearing was advertised, but no requests for a hearing were received.

Mr. Dan Niec, District 2 Engineer, recommended approval of the location and design as advertised for public hearing.

**Route 24, Jackson County**  
**From Overton Avenue to Ash Avenue**  
**Job No. J4P1364**  
**Public Hearing Held November 17, 2005**

This proposed improvement will replace the existing four-lane bridge over the Union Pacific Railroad and provide traffic signals at Huttig and Ash Avenues in the Fairmount business area of Independence. Proposed lane widths are 12 feet with curb and gutter and sidewalks on both sides of Route 24. This project will have normal access right of way. Traffic will be maintained over the existing roadway during construction. This project is 0.3 mile in length.

Ms. Beth Wright, District 4 Engineer, recommended approval of the location and design of the proposed project as presented at the public hearing with modifications to (1) include enhancements to the project, which will be funded by the City of Independence, and (2) change a curb section on Wilson Road to improve parking.

**Route 67, St. Francois County  
Approximately 0.7 Mile South of Route 67/Route 32 Interchange  
Job No. J0P0591J**

**Public Hearing Held January 12, 2005**

This proposed improvement provides for construction of a ramp connection between Route 67 and Maple Street in Farmington. Route 67 will have fully controlled access right of way and Sunset Drive will have normal access right of way. Traffic will be maintained over the existing roadway and reduced to one lane of traffic during construction. This project is 0.3 mile in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the location and design.

After full consideration, of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda, unanimously found and determined the recommended locations and designs would best serve the interest of the public and approved the recommendations.

\* \* \* \* \*

**HARRISONVILLE TOWNE CENTER TRANSPORTATION DEVELOPMENT  
DISTRICT, APPOINTMENT OF AN ADVISOR AND APPROVAL OF THE PROJECT**

On behalf of the Director, Beth Wright, District 4 Engineer, and Kirk Boyer, Resource Management Director, presented the following Harrisonville Towne Center Transportation Development District proposed transportation project:

1. Improvements to Commercial Street along Harrisonville Towne Center, including widening the street to accommodate a center turn lane north of the Route 71 overpass to Lindberg, a full access intersection, and construction of three right-turn lanes.
2. Engineering, legal, and traffic studies, lighting, signage, pavement marking, utility relocation, and traffic control during construction.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 4 District Engineer as the Commission advisor to the Harrisonville Towne Center

Transportation Development District's board of directors and (2) found that the Commission's portion of the project was a necessary and desirable extension of the state highways and transportation system, subject to the Development District making any revisions in the plans and specifications required by the Commission and subject to the Development District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or respective business unit director may execute the related agreements.

\* \* \* \* \*

#### **SCENIC BYWAY DESIGNATION, ROUTE 25, STODDARD COUNTY**

On behalf of the Director, Machele Watkins, Transportation Planning Director, recommended that the Commission designate the portion of Route 25 extending from the northern city limits of Bloomfield southward 5.5 miles to the Stars and Stripes Museum and Veterans' Cemetery in Stoddard County as a State Scenic Byway.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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#### **FINANCIAL ADVISOR SERVICES**

On behalf of the Director, Kirk Boyer, Resource Management Director, recommended approval of a two-year contract with the PFM Group at an hourly fee of \$180 to provide general financial services, a fixed fee of \$45,000 for professional services associated with an original

bond issue, and a fixed fee of \$35,000 for professional services associated with subsequent bond issues.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Chief Financial Officer to (1) execute the two-year contract with the PFM Group and (2) at MoDOT's discretion, approve and execute up to two one-year contract extensions wherein the general financial services hourly fee would be \$190 and pricing pertaining to bond issues would remain the same as that specified in the original contract. All contracts are subject to approval as to form by the Chief Counsel's Office.

\* \* \* \* \*

**PURCHASE EXCEEDING \$200,000,  
TRASH BAGS**

On behalf of the Director, David L. DeWitt, Deputy Administrative Officer, recommended approval of the purchase of trash bags through Frontier Bags, at an anticipated total cost of \$221,677. This non-renewable contract will be valid through April 30, 2006.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, Chief Financial Officer, or Deputy Administrative Officer.

\* \* \* \* \*

**BREAK IN ACCESS,  
BUSINESS ROUTE 71, MCDONALD COUNTY**

On behalf of the Director, Becky Baltz, District 7 Engineer, recommended approval of a request from the Trustees of the First Baptist Church of Anderson to break limited access for the purpose of constructing a 42-foot entrance located at the westerly right of way line opposite

Station 66+87 on Business Route 71, McDonald County. The Commission will be compensated in the amount of \$900 for the change, which is based on 75 percent of the change in highest and best use of the property, but not less than the amount listed on the Value Determination Schedule.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**ACQUISITION OF RIGHT OF WAY, MoDOT EMPLOYEE OWNED PROPERTY,  
ROUTE 36, SHELBY COUNTY**

On behalf of the Director, Dan Niec, District 2 Engineer, requested authority to make an offer of just compensation to Pam Mettes, District 2 employee, in the amount of \$45,800 for Parcel 164, and \$200 for an uneconomic remnant, both of which are needed for Job No. J3P0409, Route 36, Shelby County.

Via approval of the consent agenda, the Commission unanimously approved the request.

\* \* \* \* \*



**--- REPORTS ---**

**MoDOT FINANCIAL REPORT,  
FISCAL YEAR 2006**

Roberta Broeker, Chief Financial Officer, presented a written Financial Report for the six months ended December 31, 2005, with budget and prior year comparisons.

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**FINANCIAL ACCOUNTABILITY REPORT,  
QUARTERLY REPORT**

Roberta Broeker, Chief Financial Officer, presented the written Quarterly Financial Accountability Report for the six months ended December 31, 2005.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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